

ORDINANCE NO. 07-020

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A SUBSTANDARD-SIZED LOT WITH A FRONTAGE OF 25 FEET, WHERE 75 FEET IS REQUIRED, AND A TOTAL AREA OF 2,754 SQUARE FEET, MORE OR LESS, WHERE 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-544. **PROPERTY LOCATED AT 2250 WEST 5 WAY, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow construction of a single family residence on a substandard-sized lot with a frontage of 25 feet, where 75 feet are required, and a total area of 2,754 square feet, more or less, where 7,500 square feet are required, contra to Hialeah Code § 98-544, which provides in pertinent part: "The minimum building site in the R-2 one- and two-family residential district shall be on lot . . . containing at least 7,500 square feet for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet . . ." Property located at 2250 West 5 Way, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOT 5, BLOCK 12, AND THE EAST 6 FEET OF THE ALLEY LYING ADJACENT TO THE WEST OF SAID LOT 5, CLOSED AND VACATED FOR PUBLIC USE PURSUANT TO HIALEAH, FLA., ORDINANCE 94-104 (NOV. 25, 1994), SEMINOLA SECTION 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 75, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13th day of February, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this ____ day of _____, 2007.

MAYOR'S SIGNATURE WITHHELD

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.

Ordinance was passed and adopted by the Hialeah City Council on February 13, 2007 and became effective February 27, 2007 without Mayor's signature.



CFN 2007R0263904
DR Bk 25448 Pgs 4473 - 4474; (2pgs)
RECORDED 03/14/2007 13:23:26
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, FL 33010

**DECLARATION OF RESTRICTIVE COVENANTS
(Individual)**

(I) (WE), Anjanette V. Delgado

Being the owner(s) of lands described herein:

Lot 5, Block 12 and the East 6 feet of the alley lying adjacent to the West of said Lot 5,
closed per Ordinance No. 94-104, Seminola Section 1, according to the plat thereof, as
recorded in Plat Book 9, Page 75, of the public records of Miami-Dade County, Florida,

The street property address is 2250 West 5 Way, Hialeah, FL 33010,

The folio number is 04-3012-009-1000,

make the following Declaration of Restrictive covenants covering and running with the above property,
specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all
present and future owners of the real property described above, in favor of and enforceable by the City of
Hialeah, Florida.

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. The existing structure will be demolished within 60 days of the adoption of the Ordinance and within 18 months, a Building Permit will be issued.
2. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.
3. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

ORD
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IN WITNESS WHEREOF, (I) we have hereunto set out hands and seals at
501 Palm Ave this 28 day of Feb, 2007
(location)

Signed, sealed and delivered in the
presence of:

Witness (2 Witnesses
required)

Typed/Printed Name Orlando Racz

Owner

Typed/Printed Name Anjanette V. Delgado

Witness:

Typed/Printed Name _____

Witness (2 Witnesses
required)

Typed/Printed Name Isabel Campuzano

Co-Owner

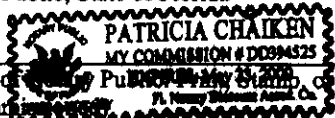
Typed/Printed Name _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this 28 day of February, 2007 before me, an officer duly
authorized in the State of Florida and in County of Miami-Dade, to take acknowledgments, personally
appeared Anjanette V. Delgado and N/A. To me known to be the
person(s) described herein and who executed the foregoing instrument, and he/she/they acknowledged before
me, under oath, that he/she/they executed same.

WITNESS my hand and official seal this 28 day of Feb, 2007

Notary Public, State of Florida


(Name of Notary Public, Print Name, or Type
as Commissioned)

☐ Personally known to me, or

☒ Produced identification:

FDLH D423-01867-8000 EXP. 8-20-12

Identification produced:

☐ Did take an oath

☐ Did NOT take an oath